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March 3, 2025

VIA ECF

The Honorable Katherine Polk Failla
 United States District Court
 Southern District of New York
 Thurgood Marshall United States Courthouse
 40 Foley Square
 New York, NY 10007

MEMO ENDORSED

RE: Bryce Corporation v. XL Insurance America, Inc., No. 1:23-cv-1814 (S.D.N.Y.) (KPF)

Dear Judge Failla:

We write on behalf of Plaintiff Bryce Corporation (“Bryce”) as, following meet and confer efforts, we are at an impasse with defense counsel regarding expert depositions and being able to comply with the current scheduling order.

After spending weeks negotiating and agreeing to a deposition schedule for the six expert witnesses in this case, counsel for defendant XL Insurance America, Inc. (“XL”) unilaterally cancelled all depositions and is refusing to comply with the Court-ordered expert discovery deadline of March 14, 2025. *See Ex. A* (Email Exchange between R. Lewis and M. Deckman dated February 28, 2025).

The reason provided is that the attorneys representing XL moved law firms from DLA Piper to Dentons, and there is apparently a delay in transferring the files. In an effort to reach a resolution, counsel for Bryce asked the DLA law firm why the files had not yet been transferred and when they would be transferred. The DLA firm responded only that we should ask the attorneys who moved to Dentons. Those attorneys advised, “we do not have an answer for you,” and stated only that “the files are under review.” *See Ex. B* (Email Exchange between M. Deckman, T. Delcima, and A. Armstrong dated March 1, 2025).

Whatever jostling may be going on between DLA and Dentons, it is not a legitimate basis to cancel all depositions and refuse to meet a court-imposed deadline, further delaying this case. The non-responses from XL’s counsel as to when the files will be transferred likewise makes it impossible to agree to a new schedule even if the Court did permit an extension of deadlines.

In light of the foregoing, we feel constrained to bring this matter to Your Honor’s attention and request a conference as soon as the Court’s schedule allows. We respectfully suggest that representatives from DLA and Dentons both appear to address this unnecessary and avoidable delay.

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Respectfully,

/s/ John N. Ellison
John N. Ellison

JNE:sc

cc: All Counsel of Record (via ECF)

The Court is in receipt of Plaintiff's letter and shares Plaintiff's concern about defense counsel's seeming disregard for longstanding discovery deadlines. Given expert discovery is scheduled to close on March 14, 2025, Defendant is hereby ORDERED to provide a response to Plaintiff's letter on or before **March 6, 2025**.

Moreover, if Defendant intends to be represented by Dentons U.S. LLP moving forward, the Court expects defense counsel to state so on the docket and is surprised that counsel failed to do so already. Since the Court is currently unsure of who is representing Defendant and how to contact them, it requests that Plaintiff's counsel forward this endorsement to the counsel with whom they have most recently dealt using their most recent contact information.

Dated: March 5, 2025
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE